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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/859,276	05/20/1997	MASAHIRO SUZUKI	JAO32382	7543
25944	7590	05/20/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			NGUYEN, LUONG TRUNG	
			ART UNIT	PAPER NUMBER
			2612	34

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/859,276

Applicant(s)

SUZUKI ET AL.

Examiner

LUONG T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31,36,41 and 46-57 is/are pending in the application.
- 4a) Of the above claim(s) 46-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31,36 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-31, 36, 41 filed on 2/25/2004 have been considered but are moot in view of the new ground(s) of rejection.
2. Claims 46-57 (filed on 6/12/2003) directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 46-57 are reinstated of formerly claims 32-35, 37-40 and 42-45, respectively. Claims 32-35, 37-40 and 42-45 withdrawn from consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, as indicated in paper No. 22 mailed on 7/31/2002. Therefore, claims 46-57 are also drawn to a nonelected species.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 46-57 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

3. Claims 10-12, 31 are objected to because of the following informalities:

Claim 10 (line 2), "the sound play back device" should be changed to --a sound playback device--.

Claim 10 (line 2), "the preset sound effect when the preset sound" should be changed to -- the preset non-mechanical sound effect when the preset non-mechanical sound--.

Claim 11 (lines 2, 4), claim 12 (lines 2, 3), claim 31 (lines 1-2), "the preset sound effect" should be changed to --the preset non-mechanical sound effect--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 10-13, 15-16, 20-24, 28-31, 36, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al. (US 5,815,201) in view of Shimizu et al. (US 4,223,987).

Regarding claim 1, Hashimoto et al. discloses an electronic camera comprising an image device disclosed as CCD 9 (figure 8, column 6, lines 45-50); a sound recording device, disclosed as microphone 1 (figure 8, column 6, lines 20-23); a storage medium that stores at least one of the digital images formed by the imaging device and the sounds input by the sound recording device, disclosed as memory 16 (figure 8, column 7, lines 13-16); a release switch, disclosed as shutter button (figure 8, column 7, lines 22-25); a control device that connects to the sound recording device, the storage medium (CPU 23, column 7, line 66 – column 8, line 6).

Hashimoto et al. fails to specifically disclose a sound effect output device that outputs a preset non-mechanical sound effect when the release switch is operated, and wherein while in the recording mode, the control device controls the sound effect output device to prevent outputting

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sound effect when the release switch initiates the process of forming images. However, Shimizu et al. discloses a camera, which includes a sound-making element (sound effect output device) and a means for stopping the sound (prevent outputting the preset non-mechanical sound effect, column 1, lines 50-57, 64-68). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera in Hashimoto et al. by the teaching of Shimizu et al. in order to produce warning signals to the user.

Regarding claim 4, Hashimoto et al. discloses the storage medium stores the images and the sounds together (column 7, lines 13-16).

Regarding claims 10-13, Hashimoto et al. discloses the video signal and the sound signal are recorded memory card 26 (column 7, lines 13-17), and can be play back via interface circuit 14 (figure 8, column 7, lines 12-17). Hashimoto et al. and Shimizu et al. do not disclose a sound removing device. However, this is not a patentable distinction. The use of a sound removing device is so notoriously well-known as a way to removing sound effect in the sound recorded in order to get the desired sound recorded together with the images.

Regarding claim 15, Hashimoto et al. discloses an illumination device as flash 20 (figure 8, column 7, lines 27-29).

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Regarding claim 16, all the limitations are contained in claim 1. Therefore, see Examiner's comments regarding claim 1, except the limitation indicating means, which is disclosed by Saito et al. as shutter button (figure 8, column 7, lines 22-25).

Regarding claim 20-23, they are considered analogous to claims 10-13. Therefore, see Examiner's comments regarding claim 10-13.

Regarding claim 24, claim 24 is the method claim of apparatus claim 16. Therefore, claim 24 is rejected for the same reasons given respect to claim 16.

Regarding claims 28-30, these claims are method claims of apparatus claims 20, 22-23, respectively. Therefore, claims 28-30 are rejected for the same reasons given respect to claims 20, 22-23.

Regarding claims 31, 36, 41, Shimizu et al. disclose the preset sound effect is customizable (sound making element, column 16, lines 61-67).

6. Claims 2, 17, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al. (US 5,815,201) in view of Shimizu et al. (US 4,223,987) further in view of Saito et al. (US 4,937,673).

Regarding claim 2, Hashimoto et al. and Shimizu et al. do not disclose a viewfinder. However, Saito et al. discloses a camera, which includes view finder 70 (figures 1A-1B, 2,

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column 3, lines 10-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera in Hashimoto et al. and Shimizu et al. by the teaching of Saito et al. in order to allow a user view the image before recording the image.

Hashimoto et al., Shimizu et al. and Saito et al. do not disclose an information output device that outputs visual information within the viewfinder. However, it is noted that using an information output device that outputs visual information within the viewfinder, such as a red LED flashing on the viewfinder, is well known in the art. Therefore, Official Notice is taken and it would have been obvious to one of ordinary skill in the art at the time the invention was made to include such device in the device of Hashimoto et al., Shimizu et al. and Saito et al. in order to inform what kind of operation camera to the user.

Regarding claim 17, it is considered analogous to claim 2. Therefore, see Examiner's comments regarding claim 2.

Regarding claim 25, claim 25 is the method claim of apparatus claim 17. Therefore, claim 25 is rejected for the same reasons given respect to claim 17.

7. Claims 3, 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al. (US 5,815,201) in view of Shimizu et al. (US 4,223,987) further in view of Kawakami et al. (US 4,660,102).

Regarding claim 3, Hashimoto et al. and Shimizu et al. do not disclose the preset non-mechanical sound effect is a shutter sound effect. However, Kawakami et al. discloses a camera

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comprises a piezo-electric device, which produces a pseudo-shutter sound when a recording operation is initiated (column 4, lines 44-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera in Hashimoto et al. and Shimizu et al. by the teaching of Kawakami et al. in order to clearly notify the recording operation to the operator (column 4, lines 44-45).

Regarding claim 14, Hashimoto et al. and Shimizu et al. do not disclose a display that displays the images. However, Kawakami et al. discloses a monitor unit 210 for displaying images (see figure, column 3, line 55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera in Hashimoto et al. and Shimizu et al. by the teaching of Kawakami et al. in order to let the operator view the captured images.

8. Claims 5-9, 18-19 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al. (US 5,815,201) in view of Shimizu et al. (US 4,223,987) in view of Arai et al. (US 5,576,758).

Regarding claims 5-6, Hashimoto et al. and Shimizu et al. do not explicitly disclose a setting device that sets a photographic environment and the setting device is a compression device. However, Arai et al. teach a digital electric still camera in which the image data is compressed before being recorded and data compression rate is selectable by operating a picture mode button (see abstract). Therefore, it would have been obvious to one of ordinary skill in the

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art at the time the invention was made to modify the camera in Hashimoto et al. and Shimizu et al. by the teaching of Arai et al. in order to let the photographer can learn from the reproduced photographic scenes the optimum data compression rate for various scenes, and can select a suitable data compression rate during photographing (col. 2, lines 5-10).

Regarding claims 7 and 9, Shimizu et al. discloses a piezo buzzer element (sound effect, column 3, lines 11-20). Arai et al. disclose the compression rate (col. 3, lines 20-30). It is obvious that the frequency of the sound effect is changed based on the selected compression rate in order to be recorded sound associated with image data at different compression rate.

Regarding claim 8, Arai et al. disclose the setting device further sets an information input apparatus operating mode (col. 3, lines 10-47).

Regarding claims 18 and 26, each of these claims is considered analogous to claims 6 and 7. Therefore, see Examiner's comments regarding claim 6 and 7.

Regarding claims 19 and 27, each of these claims is considered analogous to claim 8. Therefore, see Examiner's comments regarding claim 8.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

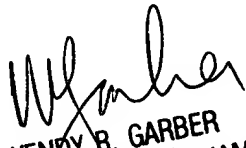
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LUONG T NGUYEN** whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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5/15/2004


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